THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.12237 OF 1997
Date: 23rd day of November,2006.

Between:
Yenni Kunchamma

Petitioner

And

The Steel Plant, Visakhapatnam, rep. by its Chairman, and two others

Respondents

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W.P.No. 12237 OF 1997

ORDER:

1. This writ petition has been instituted seeking a declaration that dispossession of the petitioner and her tenants from the lands in Survey No.126 of Aganampudi Village, Gajuwaka Mandal, Visakhapatnam District as illegal and arbitrary and consequently to direct the respondents 1 and 2 to reconvey the property to the petitioner.

2. The writ petitioner is conscious that her land stood acquired for the purpose of the steel plant at Visakhapatnam. She is also conscious that possession of the land has already been taken over but however the grievance nurtured by the writ petitioner appears to be that the State Government has reconveyed certain extents of land in favour of others whose lands have also been acquired for construction of the steel plant but such lands have not been ultimately put to use and that similar benefit has not been extended to the writ petitioner. In the counter affidavit filed by the Special Deputy Collector, Land Acquisition, Steel Plant, Visakhapatnam, it has been admitted that in cases of certain individuals the land acquired from them has since been reconveyed as the land was not considered necessary.

3. However, the issue relating to the right of the land owner to solicit reconveyance of the land which stood acquired has fallen for consideration on a good number of occasions in the past before the Supreme Court. In **Chandragauda Ramgonda Patil Vs. State of Mahasrathtra**[1], the Supreme Court had categorically pointed out that the acquired land remaining unutilized was not intended to be restituted to the erstwhile owner to whom adequate compensation was paid according to the market value as

on the date of notification. Again in **C. Padma Vs. Deputy Secretary, to the Government of Tamilnadu**[2], it was held by the Supreme Court that acquired land having vested in the State and the compensation having been paid to the claimant, he was not entitled to restitution of possession on the ground that either original public purpose had ceased to be in operation or the land could not be used for any other purposes and again in **Northern India Glass Industries Vs. Jaswant Singh and others**[3], the Supreme Court had pointed out that if the land was not used for the purpose for which it was acquired, it was open to the State Government to take action but that did not confer any right on the respondents to ask for restitution of the land. Therefore, it is always open to the State Government to consider and reconvey any land which stood acquired, if it is no longer required either for the original public purpose or for any other purpose and restitute the same in favour of the original owner. If the writ petitioner is so advised, she is at liberty to approach the appropriate agency for soliciting reconveyance of the land if that is not put to any public purpose whatsoever uptil now. But no writ as prayed for could be issued.

4. With these observations, the writ petition is disposed of but however without costs.

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NOOTY RAMAMOHANA RAO,J

23-11-2006

Stp

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[1] (1996) 6 SCC 405

[2] (1997) 2 SCC 627

[3] (2003) 1 SCC 335